

PATENT APPLICATION
CS8779
BCS03-3006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF)
) ART UNIT: 1612
RALF DUNKEL ET AL)
) EXAMINER: MARCOS L. SZNAIDMAN
SERIAL NO.: 10/576,153)
) CONFIRMATION NO.: 2200
FILED: OCTOBER 27, 2006)
)
TITLE: 1,3-DIMETHYLBUTYL CARBOX-)
ANILIDES FOR CONTROLLING)
UNDESIRABLE MICRO-)
ORGANISMS)

DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Ulrike Wachendorff-Neumann of Oberer Markweg 85, 56566 Neuwied,
Germany, a citizen of Germany, declare as follows:

1. I am an entomologist having studied at the University of Bonn, Germany, where I received the degree of doctor rer. nat. in the year 1982; I specialized in the field of entomology and phytopathology; and I entered the employ of Bayer Aktiengesellschaft, Leverkusen, Germany, in 1982, where I have been employed in the department for biological development of chemical compounds for plant diseases at Monheim, Germany, and after the spin-off to form Bayer CropScience AG I am now an employee of this company in the department of Global Biology Fungicides.
2. I am familiar with the subject matter of the above-identified United States patent application.

3. The following tests have been carried out under my supervision and control.

Example *Sphaerotheca* test (cucumbers) / protective

Solvent: 24.5 parts by weight of acetone
24.5 parts by weight of N,N-dimethylacetamide

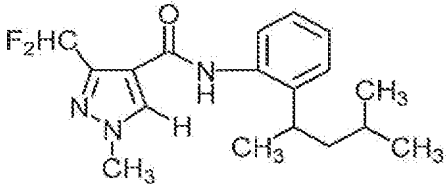
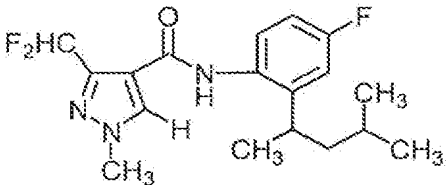
Emulsifier: 1 part by weight of alkylaryl polyglycol ether

To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amounts of solvent and emulsifier, and the concentrate is diluted with water to the desired concentration.

To test for protective activity, young plants are sprayed with the preparation of active compound at the stated rate of application. After the spray coating has dried, the plants are inoculated with an aqueous spore suspension of *Sphaerotheca fuliginea*. The plants are then placed in a greenhouse at approximately 23°C and a relative atmospheric humidity of approximately 70%.

The test is evaluated 7 days after the inoculation. 0% means an efficacy that corresponds to that of the untreated control, whereas an efficacy of 100% means that no disease is observed. Test results are shown in the following Table.

Table: *Sphaerotheca* test (cucumbers) / protective

Tested compound	Rate of application of active compound in ppm	Efficacy in %
<p>Known from US 5,914,344 (Ex. 3)</p> 	10	78
<p>Inventive compound (Ex. 14)</p> 	10	100

4. The undersigned declares further that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Signed at Monheim, this 16th day of June, 2011.


ULRIKE WACHENDORFF-NEUMANN